

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (DHCD)
DIVISION OF HEARINGS
100 CAMBRIDGE STREET, SUITE 300
BOSTON, MA 02114
(617) 573-1528 (phone)
(617) 573-1515 (fax)

WHAT TO EXPECT AT YOUR HEARING

AUTHORITY	The hearing officer assigned to your appeal must conduct your hearing in accordance with M.G.L. c.30A and 801 CMR 1.02.
HEARING OFFICER	The hearing is conducted by an impartial official who does not have any personal stake or involvement in the case. The hearing officer will administer oaths, insure that all relevant issues are considered, request, receive, and make part of the record all evidence determined necessary to decide the issues being raised. The hearing officer regulates the conduct and course of the hearing consistent with due process to insure an orderly hearing. The hearing officer will render a decision that will comply with the law and regulations and be based on the hearing record.
AUTHORIZED REPRESENTATIVE	You are entitled to have a representative present at the hearing. An authorized representative is any person, such as a lawyer, a relative, or a friend, who is authorized in writing by you to represent you at the hearing. You should, however, still attend the hearing.
INTERPRETER/TRANSLATOR	<p>An interpreter is a person who translates for you if you are not fluent in English or if you are deaf or hearing-impaired. You can bring your own interpreter to the hearing or ask the Department to provide one for you. If provided by the Department, the interpreter is sworn to make an impartial and accurate translation of the events occurring at the hearing. If you would like the Department to provide an interpreter for you, then you must call the Division of Hearings at (617) 573-1528 to request one at least one week before the scheduled hearing date.</p> <p>The hearing is your opportunity to explain your side of the issue. It is very important that you be able to understand everything that is said at the hearing and be able to contribute fully. If you believe you cannot fully communicate in English, an interpreted hearing will help you actively participate in your hearing.</p>
WITNESSES and SUBPOENAS	You have the right to bring witnesses to testify for you. You have the right to a subpoena requiring the attendance and testimony of witnesses and the production of any evidence, including books, records, and documents. If you need to compel a witness to testify, you can apply in writing to the Division of Hearings for the issuance of such subpoena at the address listed.
ACCESS TO CASE/EVIDENCE	You have the right to review your case record before and during the hearing. You have the right to see and make copies of any documents (papers) in the local office which may be used against you or which you intend to use in the hearing. To review your case record before the hearing, you should schedule an appointment with your worker.

AUXILIARY AIDS	Upon reasonable request, DHCD will provide auxiliary aids if you have impaired sensory, manual or speaking skills which will prevent you from participating in the hearing. You may request special aid by calling the Division of Hearings at (617) 573-1528.
TELEPHONE HEARING	If you do not wish to go to the Area Office for any reason, you can request that the hearing be conducted over the telephone. If you choose to have a telephone hearing, you must contact the Division of Hearings at least one business day prior to the date of the hearing with a phone number where you can be reached on the date and time of the hearing.
RECORDING	The hearing officer will tape record the hearing so we can make a transcript if you decide to appeal the result of the hearing.
HEARING PROCEDURE	At the hearing, the hearing officer will administer an oath to everyone who will testify. The Department will present its case first and has the burden of proving its position. The Department will present documents and testimony supporting its determination. You may question or cross examine the Department's representative and witnesses. You or your representative will then be expected to present evidence, which may include the testimony of witnesses (including yourself) or written documents which support your argument that the Department's actions were in error. To be properly prepared, each party should have two photocopies of all documents that they intend to offer into evidence – one for the hearing officer and one for the other party.
ASSISTANCE PENDING THE HEARING DECISION	If you are receiving assistance pending a hearing decision, the hearing officer may order an immediate change in your assistance proposed by the Department. The continuation of benefits pending the outcome of a hearing is subject to recoupment by the Department.
DECISION	The hearing officer will issue a written decision. It will include directions on how to appeal to Superior Court if you disagree with the hearing decision.
WITHDRAWAL OF REQUEST FOR HEARING	You may withdraw your request for a hearing at any time. To do so, just send a letter or return the letter scheduling your hearing with your signature and a note saying that you want to withdraw your appeal.
FAILURE TO APPEAR	If you or your authorized representative fail to appear for the hearing without good cause, your appeal may be dismissed. If you believe you have good cause for not appearing you must contact the Division of Hearings in a timely manner.
POSTPONEMENT	In the event you are not prepared to go forward on the scheduled date because of an unexpected emergency for good cause and wish to reschedule, you must notify the Division of Hearings prior to the hearing date.
COMMUNICATION WITH DEPARTMENT	All communications should contain the DHCD Case Number, the Appealing Party's name and the Area Office. Contact information is as follows: Department of Housing and Community Development Division of Hearings 100 Cambridge Street – 3 rd Floor Boston, MA 02114 (617) 573-1528 (phone) (617) 573-1515 (fax)